

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2013 MAR 25 AM 10:55

DEPUTY CLERK

ph

MICHAEL ANTHONY DIAZ,

Petitioner,

v.

RICK THALER, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

§
§
§
§
§
§
§
§
§
§

2:11-CV-0012

**ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION
and DENYING PETITION FOR A WRIT OF HABEAS CORPUS**

Petitioner filed with this Court a petition for a federal writ of habeas corpus challenging his state court conviction.¹ On June 27, 2012, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending petitioner's federal habeas application be denied. On July 10, 2012, the Court granted petitioner an extension of time to file objections to the Report and Recommendation. On July 12, 2012, petitioner filed a state habeas application raising ineffective assistance of counsel grounds not previously raised in a prior state petition nor in the current federal petition. On August 3, 2012, petitioner filed objections to the Report and Recommendation and also filed a motion to stay and abate this case until his state habeas proceeding concluded.


The undersigned United States District Judge has made an independent examination of

¹Petitioner has filed two (2) motions to stay and abate this federal habeas corpus proceeding while a petition for discretionary review and a petition for certiorari were pending.

the record in this case and has considered the objections made by petitioner to the Report and Recommendation. The objections filed by petitioner are hereby OVERRULED and the Magistrate Judge's Report and Recommendation is ADOPTED. Accordingly, the claims asserted in the initial petition for a writ of habeas corpus [Docket Entry No. 1] are DENIED. This Order does not constitute an adjudication of the claims asserted in the supplemental habeas petition filed of record on March 21, 2013 [Docket Entry No. 42]. Consequently, no Judgment shall issue at this time.

IT IS SO ORDERED.

ENTERED this 25th day of March 2013.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE